

Remarks

1. Summary of Office Action

Claims 1 and 9 were rejected under 35 U.S.C. 103(a) as being unpatentable over Sherman et al. (U.S. 2003/0229582 “Sherman”). Claims 11 and 12 were rejected under 35 U.S.C. 103(a) as being obvious in view of the combination of Sherman in view of Official Notice. Claims 2 and 3 were rejected as being obvious in view of the combination of Sherman and Lent (U.S. 6,324,524). Claims 4, 8 and 10 were rejected as being unpatentable over Sherman and Lent. Finally, Claims 1-12 were rejected on the ground of nonstatutory obviousness-type double patent as being unpatentable of copending Application No. 11/648,514. This is a provisional rejection.

2. Status of Application

The pending claims of the application have been rejected (non-final). All original claims 1-10 are pending with additional claims 11 and 12, which were newly added in the previous response.

3. The Claimed Subject Matter

The invention is a method of matching a loan consumer with one or more lenders. As set out in Claim 1, once loan customers are matched to one or more lender in a database, a query is transmitted to one lender of the one or more lenders. Only after a response is received from the queried lender, remaining lenders are queried one at a time, i.e., in series as the claim requires. After the query process is finished, the loan customer is presented only with lenders who responded with an approval.

An aspect of the invention is the adaptation of the system to present a limited, predetermined amount of information to a consumer. Claims 11 and 12 are directed to the embodiments of the invention designed to that end.

4. Response to Rejection of the Claims

a) Claims 1 and 9 were rejected under 35 U.S.C. 103(a) as being unpatentable over Sherman et al. (U.S. 2003/0229582 “Sherman”). The Examiner, in the Action, conceded that “Sherman does not explicitly teach (j) repeating steps h and i, after said receiving of the response, so as to query any remaining lenders matched.” Steps h and i recite transmitting a query to a lender of the one or more matched lenders and receiving a response from the lender based on the query.

To supply the deficiency of Sherman, the Examiner argued that “Sherman does discuss how a dealer (working in conjunction with the customer) is restricted by the risk assessment and control system to the ‘selection of one program displaying a conditional approval or any number of programs displaying ‘submit for approval’ status.’” The Examiner then goes on to state that the goal of Sherman is to “promote most efficient and cost effective loan processing.”

Applicants submit that Sherman teaches different responses to three different categories of approval or matches, and none of these responses, taken alone or in combination, suggest the present invention.

In a first category, known as “conditional approval,” the customer has met all of the criteria of the program/lender presented by an analysis and is virtually guaranteed a loan based on the selected program/lender. (*see* paragraphs 57 and 60) Sherman teaches that only one conditionally approved loan can be made for each applicant and *the system limits the dealer to a single lender that has conditionally approved a loan.* (*see* paragraphs 113 and 120). Since the system *only permits the dealer to perform a transaction with a single lender* that has conditionally approved a loan, this category of transaction thus cannot be said to suggest the further steps claimed in the present application of then sending a subsequent query after a response is received from a preceding query. Because Sherman only deals with a situation where only one loan, virtually guaranteed, is presented by the system to the dealer, it simply does not logically follow that Sherman teaches or suggests presenting any additional steps as recited in Claim 1, for example. On the contrary, this part of Sherman clearly suggests the opposite

as alleged, and teaches specifically that limiting the choices to *only one program* is preferred with the best matches.

A second category, known as “submit for approval,” is defined as when the customer information presented does not meet all of the lenders criteria. (*see* paragraph 57) The risk assessment and control system presents “any number of programs displaying ‘submit for approval’ status.” So, the system potentially returns multiple programs in the case of submit for approval matches. “Programs displaying a ‘submit for approval’ will receive a system-generated call back from the lenders selected by the dealer.” (*see* paragraph 113) In this category of transaction, the dealer is potentially presented with multiple programs/lenders in the case of submit for approval type matches. Thus, it appears the Sherman teaches that in the event that a good match is not available, multiple programs are all presented to the dealer.

Sherman reinforces this, referring to obtaining a loan from “submit for approval” responses by stating that “multiple submissions expedite the receipt of at least one conditional approval of a loan.” (*see* paragraph 116). However, Sherman does not anywhere suggest how the multiple submissions are performed, and nowhere does Sherman suggest the specific method according to the presently claimed invention. In fact, contrary to the claimed invention, Sherman seems to be teaching the submission of multiple inquiries in the hopes of returning one conditional approval. The allegation that the motivation to modify Sherman to provide the claimed limitations is provided in Sherman does not follow logically from the teachings of Sherman, since Sherman teaches multiple submissions in “submit for approval” transactions and that such multiple submissions expedite the receipt of a conditional approval from the “submit for approval” responses.

A third category is declination of the loan request, i.e., when there are no matches. (*see* paragraph 57) In this case, the system generates a declination letter, which can be stored, sent to each of the lenders, and also can be sent to the customer. (*see* paragraph 117) The letter includes the reasons each lender declined the loan. (*see* paragraph 62) Thus, it is clear that this scenario does not logically suggest the steps recited in h and i of Claim 1.

The Examiner alleges that Sherman “envisions allowing a dealer and customer to have access to a wide range of available programs, however, the dealer and customer can only further pursue a limited number of lenders who are considered to be the most likely to grant the customer a loan.” Applicants respectfully submit that this statement is not accurate, since Sherman actually teaches only allowing the dealer and customer access to *one* lender (conditionally approved), or *multiple* lenders (submit for approval).

The Examiner also alleges that “if the customer does not find an acceptable loan with these programs (i.e., the initial group of matched lenders), then it would make sense to query another subset of potential lenders to try to find a match.” However, Sherman teaches away from querying another set of lenders because Sherman states that if no match is found, a declination letter is sent, which is very different than going back to another set of lenders. Finally, querying another set of lenders if no matches are found is not what is being claimed.

The Examiner also concedes that Sherman does not explicitly disclose the step of (k) presenting to the loan customer only lenders who responded with an approval, and then states that Sherman sends the customer one declination letter and this suggests the above claimed step (k). In fact, it is more logical to conclude that, because Sherman explicitly sends to the customer information related to non-approval of loans, Sherman is actually explicitly teaching away from this aspect of claim 1.

Sherman teaches several different responses to specific loan scenarios, none of which teach nor suggest “h) transmitting a query to a lender of the one or more matched lenders; i) receiving a response from the lender based on the query; j) repeating steps h and i, after said receiving of the response, so as to query any remaining lenders matched; and k) presenting to the loan customer only lenders who responded with an approval. Therefore, Claim 1 and Claim 9 should be allowed.

b) Without conceding the Examiner’s other assertions, Applicants submit that each of the dependent claims are allowable for at least the reason that the dependent claims depend from allowable independent Claim 1.

c) Claims 1-12 were provisionally rejected as being unpatentable over the pending claims of U.S. Application No. 11/648,514. The Applicants will present arguments in Application No. 11/648,514 why the claims of copending U.S. Application No. 11/648,514 are allowable over the present claims.

5. Conclusion

Applicant respectfully requests favorable reconsideration and allowance of all of the pending claims. Should the Examiner wish to discuss this case with the undersigned, the Examiner is invited to call the undersigned at (312) 913-2147.

Respectfully submitted,

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